

## REMARKS

This is in response to the Office Action mailed May 2, 2003. Claims 1, 2, and 15 have been amended. Claims 3-14 and 16-18 have been canceled, without prejudice. Claims 19-30 have been added. Claims 1, 2, 15, and 19-30 are currently pending and at issue.

Claim 1 has been amended to recite a method of image formation and to specify that the sealing agent comprises pure water and an anion surface active agent. The anion surface active agent is a phosphoric ester surface active agent at a concentration of 0.1-2.0 g/L with respect to water. Support for the amendment to claim 1 is found, for example, in original claims 3 and 5, and in the specification at page 2, lines 18-21; page 8, lines 14-15; and page 11, lines 4-7.

Claims 2 and 15 depend from claim 1 and have been amended to recite a method of image formation. Support for the amendment to claims 2 and 15 is the same as that identified above with respect to the amendment to claim 1.

Claims 19-30 have been added. Claims 19-24 are substantially identical to claims 1, 2, and 15 but specify that the anion surface active agent is either (a) a formaldehyde condensate of naphthalene sulfonate at a concentration of 0.1-3.0 g/L with respect to water, or (b) a formaldehyde condensate of bisphenol A at a concentration of 0.2-5.0 g/L with respect to water. Claims 25-30 are directed to an electrophotography device comprising the electrophotography photosensitive body recited in claims 1, 19, and 22 in combination with a contact charging device. Support for claims 19-30 is found, for example, in original claims 1-3, 5,

7, 9, 11, 13, and 15, and in the specification at page 2, lines 18-21, and page 11, lines 4-7.

No new matter has been added. Reconsideration of the application is respectfully requested.

### **35 U.S.C. § 101 Statutory Type Double Patenting**

Claims 1-18 have been rejected under 35 U.S.C. § 101 for statutory type double patenting over claims 1-7 of U.S. Patent No. 6,037,089 to Yahagi et al. ("the '089 Patent").

The rejection is respectfully traversed, and reconsideration is requested.

Pending claims 1, 2, 15, and 19-24 are directed to a method of image formation. The '089 Patent does not claim such a method.

Pending claims 25-30 are directed to an electrophotography device comprising a contact charging device. The '089 Patent does not claim an electrophotography device comprising a contact charging device.

Therefore, the present application does not claim the same subject matter claimed in the '089 Patent, and this rejection should be withdrawn.

### **Obviousness-Type Double Patenting**

Claims 1-18 have been rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-7 of the '089 Patent.

The rejection is respectfully traversed, and reconsideration is requested.

The claims of the '089 Patent do not disclose or suggest using the electrophotography photosensitive body claimed therein in a contact charging process or in combination with a contact charging device. In fact, the specification and claims of the '089 Patent are silent with respect to the type of charging processes that would be compatible with the disclosed photoconductor.

Corona charging mechanisms, not contact charging mechanisms, are commonly used in the art (specification: p. 2, lines 8-9). In a corona charging mechanism, a metallic corona wire imparts a charge to the photosensitive layer without contact occurring between the corona wire and the photosensitive layer.

In contrast, the contact charging method of the present invention conducts a charge by direct contact of the charging member and the photosensitive body surface (specification: p. 2, lines 12-13). A contact charging process creates direct contact between the contact transfer device and the photosensitive body. The contact occurs in the gap between one piece of paper and the next when cut paper is used. The direct contact between the contact transfer device and the photosensitive layer causes damage to the insulation of the photosensitive layer (specification: p. 2, lines 19-23 ). The present invention prevents the creation of small insulation damage caused by a contact charging process (specification: p. 22, lines 1-5).

Thus, there is no teaching in the '089 Patent that would have guided a person of ordinary skill to use the claimed body in a contact charging process or to prevent insulation damage in a contact charging mechanism.

Accordingly, the claims of the '089 Patent fail to render obvious the presently claimed invention and the rejection should be withdrawn.

**Rejections Under 35 U.S.C. § 102(b)**

The Examiner has rejected Claims 1-18 under 35 U.S.C. § 102(b) as anticipated by the '089 Patent and JP 11-038662 ("JP '662"). The '089 Patent is the U.S. counterpart to JP '662.

The rejection is respectfully traversed, and reconsideration is requested.

As discussed above, the '089 Patent does not disclose or suggest using the electrophotography photosensitive body described therein in a contact charging process or in combination with a contact charging device. Accordingly, the '089 Patent and JP '662 fail to anticipate the presently claimed invention and this rejection should be withdrawn.

**Rejections Under 35 U.S.C. § 103(a)**

The Examiner has rejected Claims 1-18 under 35 U.S.C. § 103(a) as obvious over the '089 Patent and JP '662.

The rejection is respectfully traversed, and reconsideration is requested.

The arguments presented above with respect to the obviousness-type double patenting rejection apply equally with respect to this rejection under § 103(a) as well. Therefore, the '089 Patent and JP '662 fail to render obvious the presently claimed invention and this rejection should be withdrawn.

### Conclusion

In view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining, which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

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